

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

DAVID GHARRETT #M38621

v.

KIMBERLY BUTLER, ET AL.

Case No.: 18-958-MAB

BILL OF COSTS

Judgment having been entered in the above entitled action on 09/09/2021 against David Gharrett,
Date
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	<u>456.85</u>
Fees and disbursements for printing	_____
Fees for witnesses (<i>itemize on page two</i>)	<u>0.00</u>
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (<i>please itemize</i>)	_____
TOTAL	\$ <u>456.85</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: Ashley WhiteName of Attorney: Ashley White

For: Kimberly Butler, Jeannette Cowan, William Spiller, Andrew Dillingham, and Sherry
Name of Claiming Party

Date: 09/24/2021

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

*Clerk of Court**Deputy Clerk**Date*

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$0.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
“Sec. 1924. Verification of bill of costs.”
“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:
“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:
RULE 54(d)(1)
Costs Other than Attorneys’ Fees.
Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6
(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)
Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID H. GHARRETT, #M-38621,

Plaintiff,

-vs-

KIMBERLY BUTLER, et al.,

Defendants.

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Case No.: 18-958-NJR-MAB

DECLARATION

I, Ashley White, state that I have personal knowledge of the facts set forth herein, that I am competent to testify, and pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am of legal age and would be competent to testify in the matters and things set forth herein if called as a witness in this cause.
2. I am the Assistant Attorney General assigned to represent Defendants, Kimberly Butler, Jeannette Cowan, William Spiller, Andrew Dillingham, and Sherry Benton in *Gharrett v. Butler, et al.*, 18-958-MAB in the Southern District of Illinois.
3. The deposition of the Plaintiff was taken in this matter on January 13, 2020.
4. The costs for the deposition transcript of Plaintiff, as well as the court reporter's appearance fee, which Defendants paid, was \$456.85.
5. A copy of the invoice is attached as Exhibit B. Defendant incurred \$456.85 in costs for Plaintiff's deposition transcript.
6. The costs for the above-described services were necessarily incurred in this case and the services for which said fees have been charged were actually and necessarily performed.

7. Appended to this declaration are true and accurate copies of the respective court reporters' billing statements. Amounts charged for the shipping and archive have been excluded from the bills of costs.

/s Ashley White
Ashley White
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID H. GHARRETT, #M-38621,

Plaintiff,

-vs-

KIMBERLY BUTLER, et al.,

Defendants.

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Case No.: 18-958-NJR-MAB

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2021, the foregoing document, Defendant's Bill of Cost, was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

NONE

and I hereby certify that on the same date, I caused a copy of the document to be mailed by United States Postal Service to the following non-registered participant:

David H. Gharrett, M-38621
Pontiac Correctional Center
700 W. Lincoln Street
P.O. Box 99
Pontiac, IL 61764

Respectfully submitted,

By: s/ Ashley White

Ashley White, #6327771
Assistant Attorney General
201 West Pointe Dr., Suite 7
Belleville, IL 62226
Telephone: (618) 236-8788
Facsimile: (618) 236-8620
E-Mail: ashley.white@ilag.gov



Ashley White
Illinois Attorney General
500 South Second St
Springfield, IL 62701

INVOICE

1 of 1

Invoice No.	Invoice Date	Job No.
117900	1/22/2020	84552
Job Date	Case No.	
1/13/2020	18958NJRMAB	
Case Name		
David H Gharrett M38621 v Kimberly Butler et al		
Payment Terms		
Due upon receipt		

ORIGINAL TRANSCRIPT OF:

David Gharrett

Attendance - Two Hour Minimum - Transcribed

Archive

83.00 Page @ 4.450 369.35

1.00 @ 80.000 80.00

1.00 Flat @ 7.500 7.50

TOTAL DUE >>> \$456.85

Location of Job : Illinois Attorney General
Suite 7
201 West Pointe Drive
Swansea, IL 62226

dab

(-) Payments/Credits: 456.85**(+) Finance Charges/Debits: 0.00****(=) New Balance: \$0.00****Tax ID:** [REDACTED]*Please detach bottom portion and return with payment.*

Ashley White
Illinois Attorney General
500 South Second St
Springfield, IL 62701

Invoice No. : 117900
Invoice Date : 1/22/2020
Total Due : \$0.00

Remit To: **Alaris Litigation Services**
PO Box 734298
Dept. 2023
Dallas , TX 75373-4298

Job No. : 84552
BU ID : STL
Case No. : 18958NJRMAB
Case Name : David H Gharrett M38621 v Kimberly Butler et al